# THE BOMBAY GENERAL CLAUSES ACT, 1904.

CONTENTS.

*Preliminary.*

Sections.

1. Short title.
2. Repeal.

*General Definitions.*

3. Definitions.
4. Application of certain of the foregoing definitions to previous Bombay Acts.

*General Rules of Construction.*

5. Coming into operation of Bombay Acts.
6. Printing of date on which Act is published after having received the assent of the Governor, Governor General, or His Majesty, as the case may require.
7. Effect of repeal.
7A. Repeal of any enactment making textual amendments in any Act.
8. Revival of repealed enactments.
9. Construction of references to repealed enactments.
10. Commencement and termination of time.
11. Computation of time.
12. Measurement of distances.
13. Gender and number.

*Powers and Functionaries.*

14. Powers conferred on any Government to be exercisable from time to time.
15. Power to appoint to include power to appoint *ex-officio*.
16. Power to appoint to include power to suspend or dismiss.
17. Substitution of functionaries.
18. Successors.
19. Official chiefs and subordinates.

*Provisions as to orders, rules, etc., made under Enactments.*

20. Construction of orders, etc., issued under Bombay Acts.
21. Power to make to include power to add to, amend, vary or rescind, orders, etc.
22. Making of rules or by-laws and issuing of orders between publication and commencement of Bombay Act.
23. Publication of orders and notifications in the *Official Gazette* to be deemed to be due publication.
24. Provisions applicable to making of rules or by-laws after previous publication.
25. Continuation of orders, etc., issued under enactments repealed and reenacted.

Sections.

*Miscellaneous.*

26. Recovery of fines.
27. Provision as to offences punishable under two or more enactments.
28. Meaning of service by post.
29. Citation of enactments.
30. Saving for previous Acts, rules and by-laws.
31. Application to Ordinances and Regulations under the Government of India Act, 1935.

SCHEDULE.

# BOMBAY ACT No. I OF 1904.[1]

[THE BOMBAY GENERAL CLAUSES ACT, 1904.]

[*30th May 1904.*]

Amended by Bom. 4 of 1905.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

*Amended by Bom. 17 of 1945.

Amended by Bom. 5 of 1948.

**An Act for further shortening the language used in Bombay Acts, and for other purposes.**

WHEREAS it is expedient further to shorten the language used in Bombay Acts, and to make certain other provisions relating to those Acts; It is hereby enacted as follows :—

*Preliminary.*

Short title. 1. This Act may be called the Bombay General Clauses Act, 1904.

Repeal. 2. The Bombay Acts mentioned in the Schedule are repealed to the extent specified in the fourth column thereof.

*General Definitions.*

Definitions. 3. In this Act, and in all Bombay Acts made after the commencement of this Act, unless there is anything repugnant in the subject or context,—

"Abet." (*1*) "abet", with its grammatical variations and cognate expressions, shall have the same meaning as in the [2]Indian Penal Code; XLV of 1860.

"Act." (*2*) "act", used with reference to an offence or a civil wrong, shall include a series of acts; and words which refer to acts done shall extend also to illegal omissions;

"Affidavit." (*3*) "affidavit" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing;

"Barrister." (*4*) "barrister" shall mean a barrister of England or Ireland, or a member of the Faculty of Advocates in Scotland;

"Bombay Act." (*5*) "Bombay Act" shall mean an Act made by the Governor of Bombay in Council under the [3]Indian Councils Act, 1861, or the Indian Councils Acts, 1861 and 1892 [4][or the Indian Councils Acts, 1861 to 1909, or the Government of India Act, 1915, or made by the local Legislature, or the Governor of the Presidency of Bombay under the Government of India Act, or by the Provincial Legislature, or the Governor of Bombay, under the Government of India Act, 1935];

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1903, Pt. VII, pp. 5, 6; for Report of Select Committee, *see ibid.*, 1904, Pt. VII, p. 1, and for Proceedings in Council, *see ibid.*, 1903, Pt. VII, p. 130, *ibid.*, 1904, Pt. VII, p. 42.

[2] Central Acts.

[3] *See* now the Government of India Act, 1935.

[4] These words and figures were inserted by the Adaptation of Indian Laws Order in Council.

*This Act has been re-enacted and the amendments made by section 9 and Sch. E of the said Act have been continued in force by Bom. 52 of 1947, s. 2

(*6*) [1] * * *

(*7*) [1] * * *

(*8*) [1] * * *

"Chapter." (*9*) "Chapter" shall mean a Chapter of the Act in which the word occurs;

"City of Bombay." [2][(*10*) "City of Bombay" shall mean the area within the local limits of the ordinary original civil jurisdiction of the Bombay High Court of Judicature immediately before the date on which the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945, came into force:] Bom. XVII of 1945.

"Collector." (*11*) "Collector" shall mean, in the City of Bombay, the Collector of Bombay, and elsewhere the chief officer in charge of the revenue-administration of a district;

"Commencement." (*12*) "commencement", used with reference to an Act, shall mean the day on which the Act comes into force;

"Commissioner." (*13*) "Commissioner" shall mean, in Sind, the [3][Provincial Government], and elsewhere the Commissioner of a division appointed under the Bombay Land-Revenue Code, 1879, or any other law for the time being in force in this behalf; Bom. V of 1879.

"Consular Officer." (*14*) "Consular officer" shall include consul-general, consul, vice-consul, consular agent, proconsul and any person for the time being authorized to perform the duties of consul-general, consul, vice-consul or consular agent;

"District Judge." (*15*) "District Judge" shall mean the Judge of a principal Civil Court of original jurisdiction, but shall not include a High Court in the exercise of its ordinary or extraordinary original civil jurisdiction;

"Document." (*16*) "document" shall include any matter written, expressed or described upon any substance by means of letters, figures or marks, or by more than one of those means, which is intended to be used, or which may be used, for the purpose of recording that matter;

"Enactment." (*17*) "enactment" shall include [4]* * * any Regulation of the Bombay Code, and shall also include any provision contained in any Act or in any such Regulation as aforesaid;

"Father." (*18*) "father", in the case of any one whose personal law permits adoption, shall include an adoptive father;

"Financial year." (*19*) "financial year" shall mean the year commencing on the first day of April;

"Good faith." (*20*) a thing shall be deemed to be done in "good faith" where it is in fact done honestly, whether it is done negligently or not;

[5][(*21*) "Greater Bombay" shall mean the areas specified in Schedule A to the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945:] Bom. XVII of 1945.

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[1] Clauses (*6*), (*7*) and (*8*) were omitted by the Adaptation of Indian Laws Order in Council.

[2] This clause was substituted for the original by Bom. 17 of 1945, s. 9 Sch. E, read with Bom. 52 of 1947, s. 2, proviso.

[3] The words "Provincial Government" were substituted for the words "Commissioner in Sind" by the Adaptation of Indian Laws Order in Council.

[4] The words deleted by Bom. 5 of 1948, s. 2, have been omitted.

[5] This clause was inserted by Bom. 17 of 1945, s. 9, Sch. E, read with Bom. 52 of 1947, s. 2, proviso.

(*21*) [1]* * * *

(*22*) "High Court," used with reference to civil proceedings, shall mean the highest Civil Court of appeal in the part of the Bombay Presidency in which the Act containing the expression operates ; "High Court."

(*23*) "His Majesty" or "the King" shall include His successors ; "His Majesty" or "the King."

(*24*) "immovable property" shall include land, benefits to arise out of land, and things attached to the earth, or permanently fastened to anything attached to the earth ; "Immovable property."

XLV of 1860. (*25*) "imprisonment" shall mean imprisonment of either description as defined in the [2]Indian Penal Code ; "Imprisonment."

(*26*) "local authority" shall mean a municipal corporation, municipality, local board, body of port trustees or commissioners, or other authority legally entitled to, or entrusted by the Government with, the control or management of a municipal or local fund ; "Local authority."

(*27*) [1]* * * * * *

V of 1898. (*28*) "Magistrate" shall include every person exercising all or any of the powers of a Magistrate under the Code of Criminal Procedure for the time being in force ; "Magistrate."

(*29*) "master", used with reference to a ship, shall mean any person (except a pilot or harbour-master) having for the time being control or charge of the ship ; "Master" (of a ship).

(*30*) "month" shall mean a month reckoned according to the British calendar ; "Month."

(*31*) "moveable property" shall mean property of every description, except immovable property ; "Moveable property."

(*32*) "oath" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing ; "Oath."

(*33*) "offence" shall mean any act or omission made punishable by any law for the time being in force ; "Offence."

(*34*) "Part" shall mean a Part of the Act in which the word occurs ; "Part."

(*35*) "person" shall include any company or association or body of individuals, whether incorporated or not ; "Person."

XLV of 1860. (*36*) "public nuisance" shall mean a public nuisance as defined in the [2]Indian Penal Code ; "Public nuisance."

(*37*) "registered," used with reference to a document, shall mean registered in British India under the law for the time being in force for the registration of documents ; "Registered."

(*38*) [3]* * * * "Regulation."

(*39*) "rule" shall mean a rule made in exercise of a power conferred by any enactment, and shall include a regulation made as a rule under any enactment ; "Rule."

(*40*) "schedule" shall mean a schedule to the Act in which the word occurs ; "Schedule."

[1] Clauses (*21*) and (*27*) were omitted by the Adaptation of Indian Laws Order in Council.
[2] Central Acts.
[3] Clause (*38*) was deleted by Bom. 5 of 1948, s. 2.

"Scheduled District." (*41*) "[1]Scheduled District" shall mean a "Scheduled District" as defined in the [2]Scheduled Districts Act, 1874; XIV of 1874.

"Section." (*42*) "section" shall mean a section of the Act in which the word occurs;

"Ship." (*43*) "ship" shall include every description of vessel used in navigation not exclusively propelled by oars;

"Sign." (*44*) "sign", with its grammatical variations and cognate expressions, shall, with reference to a person who is unable to write his name, include "mark", with its grammatical variations and cognate expressions;

"Son." (*45*) "son", in the case of any one whose personal law permits adoption, shall include an adopted son;

"Sub-section." (*46*) "sub-section" shall mean a sub-section of the section in which the word occurs;

"Swear." (*47*) "swear", with its grammatical variations and cognate expressions, shall include affirming and declaring in the case of persons by law allowed to affirm or declare instead of swearing;

"Vessel." (*48*) "vessel" shall include any ship or boat or any other description of vessel used in navigation;

"Will." (*49*) "will" shall include a codicil and every writing making a voluntary posthumous disposition of property;

"Writing." (*50*) expressions referring to "writing" shall be construed as including references to printing, lithography, photography and other modes of representing or reproducing words or figures in a visible form on any substance; and

"Year." (*51*) "year" shall mean a year reckoned according to the British calendar.

Application of certain of the foregoing definitions to previous Bombay Acts.

**4.** The definitions in section 3 of the following words, that is to say, "abet", "affidavit", [3]* *, "Chapter", "City of Bombay", "Collector", "Commissioner", "good faith", [4][Greater Bombay] [3]* * *, "immovable property", "imprisonment", "Magistrate", "month", "moveable property", "oath", "Part", "person", [3]* * *, "Schedule", "section", "swear", "vessel", "writing" and "year", apply also, unless there is anything repugnant in the subject or context, to all Bombay Acts made before the commencement of this Act.

*General Rules of Construction.*

Coming into operation of Bombay Acts.

**5.** [5](*1*) Where any Bombay Act is not expressed to come into operation on a particular day, then it shall come into operation, if it is an Act of the Legislature, on the day on which the assent thereto of the Governor, the Governor General or His Majesty, as the case may require, is first published in the *Official Gazette*, and if it is an Act of the Governor, on the day on which it is first published as an Act in the *Official Gazette*.

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[1] That is the villages belonging to the following Mehwassi Chiefs :—
(1) The Parvi of Kathi.
(2) The Parvi of Nal.
(3) The Parvi of Singpur.
(4) The Walwi of Gaohalli.
(5) The Wassawa of Chikhli.
(6) The Parvi of Nawalpur.

[2] The Scheduled Districts Act ceases to have effect under the Adaptation of Indian Laws Order in Council.

[3] The words "British India", "Government of India" and "Presidency of Bombay" were omitted by the Adaptation of Indian Laws Order in Council.

[4] These words were inserted by Bom. 17 of 1945 read with Bom. 52 of 1947, s. 2, proviso.

[5] This sub-section was substituted for the original sub-section by the Adaptation of Indian Laws Order in Council.

(*2*) Unless the contrary is expressed, a Bombay Act shall be construed as coming into operation immediately on the expiration of the day preceding its commencement.

Printing of date on which Act is published after having received the assent of the Governor, Governor General, or His Majesty, as the case may require.

**6.** In this Act, and in every Bombay Act made after the commencement of this Act, the date of such publication as is mentioned in section 5, sub-section (*1*), shall be printed above the title of the Act, and shall form part of the Act.

Effect of repeal.

**7.** Where this Act, or any Bombay Act made after the commencement of this Act, repeals any enactment hitherto made or hereafter to be made, then, unless a different intention appears, the repeal shall not—

(*a*) revive anything not in force or existing at the time at which the repeal takes effect; or

(*b*) affect the previous operation of any enactment so repealed or anything duly done or suffered thereunder; or

(*c*) affect any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed; or

(*d*) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed; or

(*e*) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the repealing Act had not been passed.

Repeal of enactment making textual amendment in any Act.

[1][**7A.** Where any Bombay Act made after the commencement of this Act repeals any enactment by which the text of any previous enactment was amended by the express omission, insertion or substitution of any matter, then, unless a different intention appears, the repeal shall not affect the continuance of any such amendment made by the enactment so repealed and in operation at the time of such repeal.]

Revival of repealed enactments.

**8.** (*1*) In any Bombay Act made after the commencement of this Act it shall be necessary, for the purpose of reviving, either wholly or partially, any enactment wholly or partially repealed, expressly to state that purpose.

(*2*) This section applies also to all Bombay Acts made before the commencement of this Act.

Construction of references to repealed enactments.

**9.** Where this Act, or any Bombay Act made after the commencement of this Act, repeals and re-enacts, with or without modification, any provision of a former enactment, then references in any other enactment or in any instrument to the the provision so repealed shall, unless a different intention appears, be construed as references to the provision so re-enacted.

Commencement and termination of time.

**10.** (*1*) In any Bombay Act made after the commencement of this Act it shall be sufficient, for the purpose of excluding the first in a series of days or any other period of time, to use the word "from" and, for the purpose of including the last in a series of days or any other period of time, to use the word "to".

(*2*) This section applies also to all Bombay Acts made before the commencement of this Act.

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[1] This section was inserted by Bom. 5 of 1948, s. 3.

Computation of time.

**11.** Where, by any Bombay Act made after the commencement of this Act, any act or proceeding is directed or allowed to be done or taken in any Court or office on a certain day or within a prescribed period, then, if the Court or office is closed on that day or the last day of the prescribed period, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court or office is open :

Provided that nothing in this section shall apply to any act or proceeding to which the [1]Indian Limitation Act, 1877, applies.

Measurement of distances.

**12.** In the measurement of any distance for the purpose of any Bombay Act made after the commencement of this Act, that distance shall, unless a different intention appears, be measured in a straight line on a horizontal plane.

Gender and number.

**13.** In all Bombay Acts, unless there is anything repugnant in the subject or context,—

(*a*) words importing the masculine gender shall be taken to include females ; and

(*b*) words in the singular shall include the plural, and *vice versa*.

*Powers and Functionaries.*

Powers conferred on any Government to be exercisable from time to time.

**14.** Where, by any Bombay Act made after the commencement of this Act, any power is conferred on [2][any Government], then that power may be exercised from time to time as occasion requires.

Power to appoint to include power to appoint *ex-officio*.

**15.** Where, by any Bombay Act, a power to appoint any person to fill any office or execute any function is conferred, then, unless it is otherwise expressly provided, any such appointment, if it is made after the commencement of this Act, may be made either by name or by virtue of office.

Power to appoint to include power to suspend or dismiss.

**16.** Where, by any Bombay Act, a power to make any appointment is conferred, then, unless a different intention appears, the authority having power to make the appointment shall also have power to suspend or dismiss any person appointed by it in exercise of that power.

Substituion of functionaries.

**17.** (*1*) In any Bombay Act made after the commencement of this Act it shall be sufficient, for the purpose of indicating the application of a law to every person or number of persons for the time being executing the functions of an office, to mention the official title of the officer at present executing the functions, or that of the officer by whom the functions are commonly executed.

(*2*) This section applies also to all Bombay Acts made before the commencement of this Act.

Successors.

**18.** (*1*) In any Bombay Act made after the commencement of this Act it shall be sufficient, for the purpose of indicating the relation of a law to the successors of any functionaries or of corporations having perpetual succession, to express its relation to the functionaries or corporations.

(*2*) This section applies also to all Bombay Acts made before the commencement of this Act.

Official chiefs and subordinates.

**19.** (*1*) In any Bombay Act made after the commencement of this Act it shall be sufficient, for the purpose of expressing that a law relative to the chief or superior of an office shall apply to the deputies or subordinates lawfully performing the duties of that office in the place of their superior, to prescribe the duty of the superior.

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[1] *See* now the Indian Limitation Act, 1908 (9 of 1908), Central Acts.

[2] The words " any Government " were substituted for the words " the Government " by the Adaptation of Indian Laws Order in Council.

(*2*) This section applies also to all Bombay Acts made before the commencement of this Act.

*Provisions as to Orders, Rules, etc., made under Enactments.*

Construction of orders, etc., issued under Bombay Acts.

**20.** Where, by any Bombay Act, a power to issue any notification, order, scheme, rule, by-law or form is conferred, then expressions used in the notification, order, scheme, rule, by-law or form, if it is made after the commencement of this Act, shall, unless there is anything repugnant in the subject or context, have the same respective meanings as in the Act conferring the power.

Power to make to include power to add to, amend, vary or rescind, orders, etc.

**21.** Where, by any Bombay Act, a power to issue notifications, orders, rules or by-laws is conferred, then that power includes a power, exercisable in the like manner and subject to the like sanction and conditions (if any), to add to, amend, vary or rescind any notifications, orders, rules or by-laws, so issued.

Making of rules or by-laws and issuing of orders between publication and commencement of Bombay Act.

**22.** Where, by any Bombay Act which is not to come into operation on [1][the passing thereof], a power is conferred to make rules or by-laws, or to issue orders with respect to the application of the Act, or with respect to the establishment of any Court or office, or the appointment of any Judge or officer thereunder, or with respect to the person by whom, or the time when, or the place where, or the manner in which, or the fees for which anything is to be done under the Act, then that power may be exercised at any time after [1][the passing thereof], but rules, by-laws or orders so made or issued shall not take effect till the commencement of the Act.

Publication of orders and notifications in the *Official Gazette* to be deemed to be due publication.

**23.** Where, in any Bombay Act or in any rule passed under any such Act, it is directed that any order, notification or other matter shall be notified or published, then such notification or publication shall, unless the enactment or rule otherwise provides, be deemed to be duly made if it is published in the [2][*Official Gazette*].

Provisions applicable to making of rules or by-laws after previous publication.

**24.** Where, by any Bombay Act, a power to make rules or by-laws is expressed to be given subject to the condition of the rules or by-laws being made after previous publication, then the following provisions shall apply, namely—

(*a*) the authority having power to make the rules or by-laws shall, before making them, publish a draft of the proposed rules or by-laws for the information of persons likely to be affected thereby;

(*b*) the publication shall be made in such manner as that authority deems to be sufficient or, if the condition with respect to previous publication so requires, in such manner as the [3][Central Government, or as the case may be, the Provincial Government] prescribes;

(*c*) there shall be published with the draft a notice specifying a date on or after which the draft will be taken into consideration;

(*d*) the authority having power to make the rules or by-laws, and, where the rules or by-laws are to be made with the sanction, approval or concurrence of another authority, that authority also, shall consider any objection or suggestion which may be received by the authority having power to make the rules or by-laws from any person with respect to the draft before the date so specified;

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[1] The words "the passing thereof" were substituted for the words "the day on which it is first published in the *Bombay Government Gazette* after having received the assent of the Governor-General" and "the Act has been published as aforesaid" respectively by the Adaptation of Indian Laws Order in Council.

[2] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

[3] The words "Central Government, or as the case may be, the Provincial Government" were substituted for the words "Local Government", *ibid.*

(*e*) the publication in the [1][*Official Gazette*] of a rule or by-law purporting to have been made in exercise of a power to make rules or by-laws after previous publication shall be conclusive proof that the rule or by-law has been duly made.

Continuation of orders, etc. issued under enactments repealed and re-enacted.

**25.** Where any enactment is, after the commencement of this Act, repealed and re-enacted by a Bombay Act with or without modification, then, unless it is otherwise expressly provided, any appointment, notification, order, scheme, rule by-law or form made or issued under the repealed enactment shall, so far as it is not inconsistent with the provisions re-enacted, continue in force, and be deemed to have been made or issued under the provisions so re-enacted, unless and until it is superseded by any appointment, notification, order, scheme, rule, by-law or form made or issued under the provisions so re-enacted.

*Miscellaneous.*

Recovery of fines.

**26.** Sections 63 to 70 of the [2]Indian Penal Code, and the provisions of the Code of Criminal Procedure for the time being in force in relation to the issue and the execution of warrants for the levy of fines, shall apply to all fines imposed under any Bombay Act, or any rule or by-law made under any Bombay Act, unless the Act, rule or by-law contains an express provision to the contrary. XLV of 1860. V of 1898.

Provision as to offences punishable under two or more enactments.

**27.** Where an act or omission constitutes an offence under two or more enactments, then the offender shall be liable to be prosecuted and punished under either or any of those enactments, but shall not be liable to be punished twice for the same offence.

Meaning of service by post.

**28.** Where any Bombay Act made after the commencement of this Act authorizes or requires any document to be served by post, whether the expression "serve" or either of the expressions "give" or "send" or any other expression is used, then, unless a different intention appears, the service shall be deemed to be effected by properly addressing, prepaying and posting by registered post, a letter containing the document, and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.

Citation of enactments.

**29.** (*1*) In any Bombay Act, and in any rule, by-law, instrument or document made under, or with reference to, any Bombay Act, any enactment may be cited by reference to the title or short title (if any) conferred thereon or by reference to the number and year thereof, and any provision in an enactment may be cited by reference to the section or sub-section of the enactment in which the provision is contained.

(*2*) In this Act, and in any Bombay Act made after the commencement of this Act, a description or citation of a portion of another enactment shall, unless a different intention appears, be construed as including the word, section or other part mentioned or referred to as forming the beginning and as forming the end of the portion comprised in the description or citation.

Saving for previous Acts, rules and by-laws.

**30.** Where any Act, rule or by-law made after the commencement of this Act continues or amends any Acts, rules or by-laws made before the commencement of this Act, the foregoing sections of this Act shall not by reason merely of such continuance or amendment affect the construction of such Acts, rules or by-laws.

[1] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

[2] Central Acts.

[1][31. The provisions of this Act shall apply—

(*a*) in relation to any Regulation made by the Governor of Bombay under section 92 of the Government of India Act, 1935, as they apply in relation to Acts made by the Provincial Legislature; and

(*b*) in relation to any Ordinance promulgated by the Governor of Bombay under section 88 or section 89[2] of the said Act, as they apply in relation to Acts made under that Act by the Governor.]

Application to Ordinances and Regulations under the Government of India Act, 1935.

## THE SCHEDULE.

### ENACTMENTS REPEALED.

(*See* section 2.)

| Year. | No. | Title or Subject. | Extent of repeal. |
|---|---|---|---|
| 1886 .. | III | The Bombay General Clauses Act, 1886 .. | The whole [3][except so much of [4]Schedule B as relates to unrepealed enactments]. |
| 1891 .. | I | An Act to amend the Bombay General Clauses Act, 1886. | So much as is unrepealed. |
| 1896 .. | I | Do. do. .. | The whole. |

## APPENDIX.

### [5]*SCHEDULE B to the Bombay General Clauses Act, 1886 (Bom. Act III of 1886).*

VERBAL AMENDMENTS MADE IN THE REGULATIONS AND ACTS OF THE GOVERNOR OF BOMBAY IN COUNCIL.

| ENACTMENT. | | | Words repealed. | Words, if any, substituted for the words repealed. |
|---|---|---|---|---|
| No. and year. | Section. | Clause. | | |
| *Regulations.* | 19 | 1 | "Magistrate" .. .. | "District Magistrate". |
| [6]XII of 1827. | 10 | 6 | "The Magistrate" (the first time the words occur). | "the District Magistrate". |
| | 19 | 6 | "the Magistrate" (the second time the words occur.) | "any Magistrate". |
| | 19 | 6 | "ordinary" .. .. | "simple". |
| | 19 | 7 | "without labour" .. .. | .... |
| | 19 | 7 | "Magistrate" (the first time the word occurs). | "District Magistrate". |
| | | | "Magistrate" (the second time the word occurs). | "Magistrate before whom proceedings against such individual are being held". |
| | 19 | 8 | "the Magistrate shall also" .. | "any Magistrate may". |

[1] Section 31 was inserted by the Adaptation of Indian Laws Order in Council.

[2] Section 89 was omitted by the India (Provisional Constitution) Order, 1947.

[3] These words were inserted by s. 2 of the Bombay Repealing and Amending Act, 1905 (Bom. 4 of 1905).

[4] Printed as an Appendix to this Act.

[5] This schedule so far as it affects unrepealed enactments has been reproduced here as an Appendix as the insertion of certain words in the schedule to Bom. I of 1904 by Bom. 4 of 1905, has revived it as regards such enactments. Entries relating to sections which have been repealed or substituted after the passing of Bom. 4 of 1905, have also been omitted, a footnote explanation being given in each case.

[6] Bom. Reg. XII of 1827, s. 19, cls. 1, 6, 7 and 8 is repealed by the Bombay District Police Act, 1890 Bom. 4 of 1890), wherever that Act extends. For the Regn. *see* Vol. I of this Code.

*SCHEDULE B to the Bombay General Clauses Act, 1886 (Bom. Act III of 1886)*—contd.

| Enactment. | | | Words repealed. | Words, if any, substituted for the words repealed. |
|---|---|---|---|---|
| No. and year. | Section. | Clause. | | |
| *Regulations*—contd. | | | | |
| XII of 1827 —*contd.* | [1]20 | .. | [1]"Magistrate" .. .. | [1]"District Magistrate." |
| | 27 | 2 | "Magistrate" (each time the word occurs). | "District Magistrate." |
| | 27 | 2 | "ordinary" .. .. | "simple". |
| | 27 | 2 | "without hard labour" .. | .... |
| | 37 | 1 | "Magistrate" .. .. | "District or Sub-Divisional Magistrate". |
| [2]XXII of 1827 | 40 | .. | "Magistrate" .. .. | "District Magistrate." |
| | 41 | 1 | "local" .. .. | "District". |
| | 42 | 1 | "local" .. .. | "District". |
| | 42 | 2, 3, 4 | "Magistrate" (each time the word occurs). | "District Magistrate." |
| [2]XXV of 1827 .. | 4 | 2 | "Magistrate" (both times the word occurs). | "District Magistrate". |
| | 7 | .. | "Magistrate" .. .. | "District Magistrate." |
| *Acts.* | | | | |
| [3]I of 1862 | 1 | .. | "Annexed to this Act" .. | .... |
| IV of 1862 .. | 1 | .. | "the Magistrate" (the second time the words occur). | "a Magistrate of the first class." |
| | 1 | .. | "calendar" .. | .... |
| | 6 | .. | "Magistrate" .. | "District Magistrate". |
| | 6 | .. | "this Act" .. .. | "section 4". |
| | 6 | .. | "of Police" .. .. | .... |
| | 7 | .. | "of either kind" .. .. | .... |
| | 7 | .. | "calendar" .. .. | .... |
| | 10 | .. | "Magistrate" .. .. | "District Magistrate". |
| | 10 | .. | "of Police" .. .. | .... |
| V of 1862 | 3 | .. | "Calendar" .. .. | .... |
| VI of 1862 .. | 8 and 9 | .. | "Calendar" (each time the word occurs). | .... |
| | 21 | .. | "The following words and expressions". | .... |
| | 21 | .. | "shall have the meanings hereby assigned to them." | .... |
| | 21 | .. | "(that is say)" .. | .... |
| I of 1863 .. | 6 | .. | "Justice of the Peace or person exercising the powers of a Magistrate within the province of Sind". | "of the first class". |
| | 12 | .. | Ditto | Ditto. |
| | 11 | .. | "of this Act" .. .. | .... |

[1] On coming into force of Part VI of the Bombay Weights and Measures Act, 1932 (Bom. 15 of 1932) in any area the entry relating to section 20 of Bombay Regulation XII of 1827, shall be deemed to be repealed (*vide* Second Sch., Pt II and s. 47 of Bom. 15 of 1932).

[2] See *supra*.

[3] Bom. 1 of 1862 has been repealed by Bom. 11 of 1928, s. 3, Second Schedule.

## *SCHEDULE B to the Bombay General Clauses Act, 1886 (Bom. Act III of 1886)*—contd.

| Enactment. | | | Words repealed. | Words, if any, substituted for the words repealed. |
|---|---|---|---|---|
| No. and year. | Section. | Clause. | | |
| *Acts*—contd. | | | | |
| II of 1863 | 2 | .. | "of this Act" (the first time the words occur). | .... |
| | 3, 4, 5, 7, 8, 10, 11 and 13 | .. | "of this Act" (each time the words occur). | .... |
| | 4, 5 and 11 | .. | "calendar" (each time the word occurs). | .... |
| | 5 and 11 | .. | "collectorate or" (each time the words occur). | .... |
| | 11 | 4 | "collectorate" .. | "district". |
| | 11 | 6 | "collectorate" (each time the word occurs). | "district". |
| III of 1863 | 1 and 2 | .. | "to this Act" (each time the words occur). | .... |
| V of 1863 | 20 | .. | "of this Act" .. .. | .... |
| [1]* * * * | * * | * * | * * * * * | * * * * |
| VII of 1863 | 6 | .. | "of this Act" (the first time the words occur). | .... |
| | 7, 8, 9, 11, 12, 13 and 26 | .. | "of this Act" (each time the words occur). | .... |
| | 9 | 1 and 2 | "collectorate or" (each time the words occur). | .... |
| | 9 | 3, 4, 6 and 7 | "collectorate" (each time the word occurs). | "district". |
| | 9 | 8 | "calendar" .. .. | .... |
| | 9 | 9 | "Revenue" .. .. | .... |
| | 9 | 9 | "of the division" .. .. | .... |
| | 12 | .. | "or Sub-Collector" .. .. | .... |
| | 20 | 2 | "annexed" .. .. | .... |
| VII of 1866 | 6 | .. | "of this Act" .. .. | .... |
| XII of 1866 | 15 | .. | "annexed to this Act" .. | .... |
| [2]* * * | * * | * * | * * * * * | * * * |
| VI of 1867 | 5, 9 and 10. | .. | "of this Act" (each time the words occur). | .... |
| [3]VII of 1867 | 34 | .. | "Of this Act" (each time the words occur). | .... |
| | ,, | .. | "full-power Magistrate" .. | "Magistrate of the first class". |

[1] The entry relating to Bom. 6 of 1863 is omitted as the Act has been repealed by Bom. 7 of 1920.

[2] The entry relating to Bom. 13 of 1866 is omitted as that Act ceases to have effect under the Adaptation of Indian Laws Order in Council.

[3] During such time as Bom. 6 of 1933 and the rules and by-laws shall be in operation in any village, sections 33 and 34 of Bom. 7 of 1867 cease to have any operation in the said village. *See* section 115 of Bom. 6 of 1933.

*SCHEDULE B to the Bombay General Clauses Act, 1886 (Bom. Act III of 1886)*—contd.

| Enactment. | | | Words repealed. | Words, if any, substituted for the words repealed. |
|---|---|---|---|---|
| No. and year. | Section. | Clause. | | |
| VIII of 1867 | [1] | .. | "Commissioner of Police" Act, 1861. | "Acts, 1867 and 1890"]. |
| | 3, 4, 5, 15 and 18 | .. | "of Police" (wherever in the said sections those words follow the word "Commissioner"). | .... |
| | 5 | .. | "Police" (in each place in which the word precedes the word "Commissioner"). | .... |
| | 18 | .. | "of this Act" .. .. | .... |
| II of 1868 | 17 | .. | "Revenue or Police" .. | .... |
| [2] * * *

*SCHEDULE B to the Bombay General Clauses Act, 1886 (Bom. Act III of 1886)*—contd.

| Enactment. | | | Words repealed. | Words, if any, substituted for the words repealed. |
|---|---|---|---|---|
| No. and year. | Section. | Clause. | | |
| II of 1876 | 14, 16, 18 and 33 | .. | "of this Act" (each time the words occur). | .... |
| | 16 | .. | "hereunto annexed" .. | .... |
| | 31 | .. | "annexed to this Act" .. | .... |
| [1]* * * * * * * | | | * * * * * * | * * * * |
| I of 1877 | 3, 9, 16, 17 and 25. | .. | "of this Act" (each time the words occur). | .... |
| | 9, 10, 11, 14, 15, 17 and 18 | .. | "hereto annexed" (each time the words occur). | .... |
| | 12 | (*b*) | "of this Act" .. .. | .... |
| | 19 | .. | "of this Act" (the first time the words occur). | .... |
| | 23 | (*b*) | "of this Act" .. .. | .... |
| | 20 and 24 | ... | "of either description within the meaning of the Indian Penal Code" (in each place in which these words occur). | .... |
| | 28 | .. | "The provisions of sections 64 to 70, both inclusive, of the Indian Penal Code shall apply to". | .... |
| | 28 | .. | "and all such fines" .. | .... |
| [2]V of 1878 | 3 | 3 | "means, in Sind, the [3][Provincial Government] and elsewhere a Commissioner of land-revenue, or, if Government appoint any other officer to be a Commissioner for the purposes of this Act, such other officer." | "includes an officer appointed by Government to be a Commissioner for the purposes of this Act". |
| | 3 | 4 | "means a Collector of land-revenue or", | "includes". |
| | 45 | .. | "of this Act" (each time the words occur). | .... |
| IV of 1879 | 3 | .. | The last three words .. .. | .... |
| | 9, 10, 11, 14, 15, 17 and 18 | .. | "hereto annexed" (each time the words occur). | .... |
| | 9, 16, 17 and 25 | .. | "of this Act" (each time the words occur). | .... |

[1] The entry relating to Bom. 3 of 1876 is omitted as the Act has been repealed by Bom. 2 of 1906.
[2] The entry relating to section 50 of this Act is omitted as the section has been subsequently substituted by Bom. 12 of 1912.
[3] The words "Provincial Government" were substituted for the words "Commissioner in Sind" by the Adaptation of Indian Laws Order in Council.

*SCHEDULE B to the Bombay General Clauses Act, 1886 (Bom. Act III of 1886)*—concld.

| Enactment | | | Words repealed. | Words, if any, substituted for the words repealed. |
|---|---|---|---|---|
| No. and year. | Section. | Clause. | | |
| IV of 8179—*contd.* | 12 | (*b*) | "of this Act" .. .. | .... |
| | 19 | .. | "of this Act" (the first time the words occur). | .... |
| | 20 and 24 | .. | "of either description within the meaning of the Indian Penal Code" (in each place in which the words occur). | .... |
| | 23 | (*b*) | "of this Act" .. .. | .... |
| V of 1879 .. | 3 | 2 | "of this Act" .. .. | .... |
| | 10, 13, 18, 38, 86, 87, 161 and 216 | .. | "of this Act" (each time the words occur). | .... |
| | 23 | .. | "to this Act" .. .. | .... |
| [1]VI of 1879 .. | 21 and 34 | .. | "of this Act" .. .. | .... |
| [1]VII of 1879 .. | 3 | 5 | "means the head revenue officer of a district and". | .... |
| | 57 | .. | "of this Act" .. .. | .... |
| | 61 and 62 | .. | "of either description within the meaning of the said Code" (in each place in which these words occur). | .... |
| | 67 | .. | "of the division" .. .. | .... |
| [1]I of 1880 .. | 3 | 7 | "hereto annexed .. .. | .... |
| | 33 | (*b*) | "hereto annexed" .. .. | .... |
| [1]I of 1883 .. | 3, 5 and 8 | .. | "of this Act" (each time the words occur). | .... |
| | 3 | .. | "annexed to this Act" .. | .... |
| [1]II of 1883 .. | In the preamble | .. | "to this Act" .. .. | .... |
| | 4 | .. | "to this Act" .. .. | .... |
| | 17 | .. | "of this Act" (the first time the words occur). | .... |
| [2]* * * | * | * | * * * * * * | |

[1] The entries relating to sections 2, 214 and 215 of this Act are omitted as these sections have been repealed or substituted by Bom. 4 of 1913.

[2] The entry relating to Bom. I of 1884 is omitted as that Act has been repealed by Bom. 6 of 1933.